

**BOARD OF RESPIRATORY CARE EXAMINERS
BOARD MEETING MINUTES**

Thursday, May 15, 2008, at 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix AZ

Board Members Present: Chair Toni Rodriguez, Vice Chair Becky Brimhall, Catherine Lindstrom, James Love, Bill Cohagen, and David Sanderson

Board Members Absent: John O'Donnell

Staff Present: Mary Hauf Martin, Executive Director

Valarie Davis, Administrative Assistant

David Geriminsky, Program and Project Specialist

Board's Legal Counsel: Michelle L. Wood, Assistant Attorney General

I CALL TO ORDER

The Meeting was called to order at 9:02 a.m. by Board Chair Toni Rodriguez, Ed.D.

DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

1. CEU Audit Process developed to coordinate with the on-line license renewal process, as it is presented on the Board's website
2. Memorandum from the Arizona Department of Economic Security re: Child Support
3. Personnel Matters, including review of the Executive Director
4. Board Office Highlights

The Executive Director reported on the new CEU Audit Process and the new processes used to coordinate that with the on-line license renewal process.

The Executive Director also reported on A.R.S. §25-517 which grants to DCSE the administrative authority to suspend or revoke the occupational or professional licenses of obligors for willful non-payment of support where the arrears exceed six months of support.

The Board conducted a performance evaluation and review of the Executive Director. After discussion, Chair Toni Rodriguez moved and Bill Cohagen seconded to give a salary increase to the Executive Director. **The Motion Passed.**

II APPROVAL OF MINUTES

Meeting held on April, 17, 2008

David Sanderson moved approval of the Minutes as presented. Vice Chair Becky Brimhall seconded. **The Motion passed.**

III DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE

A. Recommended for approval by the Executive Director

| | | |
|---------------------|--------------------|------------------|
| Cheryl Anderson | Richard Argo | Katrina Argullin |
| Lind Bantz | Sarah Briner | Melissa Freeman |
| Ilene Gardner | Jennifer Hernandez | Leticia Johns |
| Sharon Patenaude | Milton Pelletier | Juan Ramirez |
| Debra Ribble-Knapik | Vicki Roeder | Steffany Sanders |
| Tami Vergos | Judd Whittaker | Rachel Yellowman |

Bill Cohagen moved approval of the above mentioned individuals recommended by the Executive Director. Becky Brimhall seconded the Motion. **The Motion passed.**

B. Application for Licensure

- | | | |
|----|--------------------|------------------------------|
| 1. | Hector Cabrera | Case Number C002267-08-8296 |
| 2. | Michael DiGregorio | Case Number C002260-08-8157* |
| 3. | Heather McNorton | Case Number C002270-08-8323 |
| 4. | Nathan Houck | Case Number C002269-08-8308 |

1. Mr. Cabrera was present. The Executive Director summarized Mr. Cabrer's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, Bill Cohagen moved that Mr. Hector Cabrera be granted a license. Becky Brimhall seconded. **The Motion passed.**

2. Mr. DiGregorio was present. The Executive Director summarized Mr. DiGregorio's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, Catherine Lindstrom moved that Michael DiGregorio be granted a license with a rehabilitative probation requiring him to pay a fine of \$400.00. Becky Brimhall seconded. **The Motion passed.**

3. Ms. McNorton was present. The Executive Director summarized Ms. McNorton's situation, stating that she had provided the necessary documents establishing that she is eligible for permanent licensure. After discussion, Becky Brimhall moved that Ms. Heather McNorton be granted a license. Bill Cohagen seconded. **The Motion passed.**

4. Mr. Houck was present. The Executive Director summarized Mr. Houck's situation, stating that he had provided the necessary documents establishing that he is eligible for permanent licensure. After discussion, Bill Cohagen moved that Mr. Nathan Houck be granted a license. Becky Brimhall seconded. **The Motion passed.**

C. Re-Application for Licensure

Recommended for approval by the Executive Director

Michelle Rose

Pamela Sweeney

After discussion Catherine Lindstrom moved to approve the Re-Application for licensure submitted by the above mentioned individuals. James Love seconded. **The Motion Passed.**

D. Ratification of Temporary Licenses Issued Pursuant to A.R.S. § 32-3521

Samuel Agrioroae

Su Barry

Debra Brislan

Kari Clark

Jonathan Carroll

David Gallent

Kimberly Hartley

Katherine Hassler

Clarence Hughes

Michelle Jones

Richard Longenecker

Christy Mann

Crystal Nalley

Mario Nuzzo

Kami Perry

Ivy Sovia

Jonathan Stanley

After discussion David Sanderson moved to ratify the above mentioned individual's temporary licenses. Bill Cohagen Seconded. **The Motion Passed.**

IV DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files.

Kimberly Arrona

Crisely Hernandez

Esmeralda Reyes

Bill Cohagen moved that the Board administratively close the application files of the abovementioned individuals. Becky Brimhall seconded. **The Motion passed.**

V DISCUSSION/ACTION ON ADMINISTRATIVE CLOSING OF TWO YEAR INACTIVE FILES

Recommended for closing of inactive files.

Hazel Calio

Janice Caruso

Louise Chartrand

Andrea Egyud

Danny Harris

Elsa Jurahui

Kyle Mahan

Karen McGowan

Patrick Moise

Rhea Moreno

Cecil Morrison

Brittany Nadreau

Wesley Scarlett
Jozef Stechnij
Kenneth Trudeau

Raymond Schneider
Randy Steffen

Heather Smith
Bruno Tassone

The Executive Director stated that these were routine two year inactive license files.

Bill Cohagen moved that the Board administratively close the two year inactive files of the abovementioned individuals. Becky Brimhall seconded. **The Motion passed.**

VI DISCUSSION/ACTION ON NOTICES OF LICENSE EXPIRATIONS

A. Notice of License Expirations to the following individuals:

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|-----------------|----------------------|--------------------|
| Thomas Acuna | Alez Adea | Madelene Aguinaldo |
| Kathleen Ahern | Christopher Bermudez | Douglas Bolin |
| Khardiata Faye | Shontel Galvan | David Hamm |
| Daniel Hodges | Dana Juniper | Gerald Kennell |
| David King | Kathleen Lahn | Angela Marino |
| Katie Meeks | Michelle Moran | Carla Moutinho |
| Jessica Novak | Kerry Pipersburgh | Stacie Sharff |
| Rebecca Summers | Stuart Sussman | Larry Taren |
| Alanna Whitley | | |

The Executive Director stated that these were routine license expirations.

Bill Cohagen moved to approve these license expirations. David Sanderson seconded. **The Motion passed.**

VII DISCUSSION/ACTION ON REINSTATEMENT OF EXPIRED LICENSES

Ratify licenses issued by the Executive Director to individuals who met requirements for renewal.

Leonard Flores

The Executive Director reported that this was a routine license reinstatement.

Becky Brimhall moved to ratify this reinstated license. David Sanderson seconded. **The Motion passed.**

VIII CONSIDERATION AND ACTION ON INVESTIGATIONS OF UNPROFESSIONAL CONDUCT

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|----|--------------------|------------------------------|
| 1. | Nisha Fischer | Case Number C002265-08-7985* |
| 2. | Sharon Jackson | Case Number C002271-08-0038 |
| 3. | Jose Madrigal | Case Number C002272-08-6628 |
| 4. | Michael DiGregorio | Case Number C002260-08-8157* |

1. Ms. Fischer was present. The Executive Director summarized the allegation of unprofessional conduct against Ms. Nisha Fischer. Chair Toni Rodriguez moved to issue a Formal Complaint and Notice of Hearing. Bill Cohagen seconded. **The Motion Passed.**

2. Mr. Madrigal was not present. The Executive Director summarized the allegation of unprofessional conduct against Mr. Jose Madrigal. Chair Toni Rodriguez moved to go to an Informal Interview. James Love seconded. **The Motion Passed.**

3. Ms. Jackson was present. The Executive Director summarized the allegation of unprofessional conduct against Ms. Sharon Jackson. Bill Cohagen moved to dismiss the allegations. James Love seconded. **The Motion Passed.**

4. This Agenda Item was taken during Agenda Item III(B)(2)

IX CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. 32-3553(G)

No Informal Interviews were conducted.

X CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. §32-3553(G)

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|----|-----------------|-----------------------------|
| 1. | Angela Jacobsen | Case Number C002222-08-4408 |
| 2. | Nisha Fischer | Case Number 4537-07-2264 |
| 3. | Howard Holz | Case Number C002175-08-3028 |

1. Angela Jacobsen, Case Number C002222-08-4408.

Ms. Jacobsen was present. Michelle L. Wood, Assistant Attorney General, presented the case on behalf of the State of Arizona.

The Board's Executive Director, Mary Hauf Martin, was called as a witness. Ms. Martin testified that the information in the Board's Complaint and Notice of Hearing was true and accurate. Ms. Martin stated that the eyewitness accounts of Respondent's impairment while on duty had seriously jeopardized the safety of her patients, and that Respondent's refusal to submit to a drug screen should be considered a positive drug screen. After Respondent told the Board that she had taken a prescription medication that could cause impairment on the day of the incident, Respondent went on to admit that the reason she refused to take a drug screen was that she knew it would come back positive for Marijuana. Respondent admitted that she feels her current health is such that she feels unable to safely and skillfully practice respiratory care at this time. After discussion, Board Vice Chair Becky Brimhall moved for the Board to find that a preponderance of evidence had been presented to support the information in the Complaint and Notice of Hearing. Cathy Lindstrom indicated she would second the motion if Ms. Brimhall would accept a friendly amendment to state that the reason the matter is so serious is due to the fact Respondent was impaired while on duty and therefore caused serious risk to the health and safety of pediatric patients. Ms. Brimhall accepted the friendly amendment. After further discussion, Cathy Lindstrom moved to revoke Respondent's

license to practice respiratory care in Arizona. Bill Cohagen seconded. **The motion passed unanimously.**

2. Nisha Fischer, Case Number 4537-07-2264.

Ms. Fischer was present. Michelle L. Wood, Assistant Attorney General, presented the case on behalf of the State of Arizona.

Mary Hauf Martin, the Board's Executive Director, testified that the information in the allegation of unprofessional conduct against the Respondent was substantiated by the Board's investigation. Ms. Martin provided a document review that included the positive drug screen for the drug Methadone on July 17, 2007. The positive results were verified on July 20, 2007, at Advance Toxicology Network, and confirmed by a certified scientist and the GC/MS methodology. No valid prescription for Methadone was provided by Respondent. Ms. Martin testified that a drug and alcohol evaluation provided by Respondent on May 12, 2008, was not valid. This was due to the fact Respondent had not informed the Board of the name of her evaluator so that Respondent's complete file could be provided for use during the evaluation.

David Geriminsky, Program and Project Specialist/Regulatory Investigator, testified that on Friday April 11, 2008, he spoke with Respondent regarding the drug and alcohol evaluation she was supposed to complete prior to the Hearing. Mr. Geriminsky stated that Respondent seemed a bit out of sorts. Her speech was repetitive and slurred. She seemed to need things repeated several times to her. At the end of the conversation, he was still not sure she had completely understood what was needed of her. This was despite the fact he made several attempts to get Respondent to understand that she needed to have her complete records forwarded to her drug and alcohol evaluator prior to her evaluation being conducted.

Respondent testified on her own behalf. She did not dispute the validity of the positive drug screen. She could not recall where she would have obtained the Methadone that was in her system on July 17, 2007. She could not recall the names of all the doctors who had prescribed her medications or the pharmacies where she'd had prescriptions filled. She stated that she is willing to have a drug and alcohol evaluation done after a complete copy of her records is provided by the Board to an approved evaluator.

After consideration and discussion, Board Chair Toni Rodriguez moved to adopt Findings of Fact and Conclusions of Law as set forth in the Complaint and Notice of Hearing. Board Vice Chair Becky Brimhall seconded. **The Motion passed unanimously** with Board Member Cathy Lindstrom abstaining. After further discussion, Board Chair Toni Rodriguez moved to suspend Respondent's license to practice respiratory care, and to establish the maximum timeframes within which Respondent must get a drug and alcohol evaluation and have the results provided to the Board. Vice Chair Becky Brimhall seconded. **The Motion passed by a vote of 4 ayes, with Board Member David Sanderson voting no, and Cathy Lindstrom abstaining.**

3. Howard Holz, Case Number C002175-08-3028

Mr. Holz was not present. Michelle L. Wood, Assistant Attorney General, presented the case on behalf of the State of Arizona. T

The Board's Executive Director, Mary Hauf Martin, was called as a witness. Ms. Martin testified that the information in the Board's Complaint and Notice of Hearing was true and accurate. Ms. Martin stated that the eyewitness accounts of Respondent's tampering with the sharps container, along with his admissions that he has a substance abuse problem and is unsafe to practice, constitute unprofessional conduct. His actions endangered the health and wellbeing of his patients and were violations of his Consent Order. After discussion, Board Member Cathy Lindstrom moved for the Board to find that a preponderance of evidence had been presented to support the Findings of Fact as set forth in the Complaint and Notice of Hearing and the following violations of the laws and rules: A.R.S. §§ 32-3552(A)(3), 32-3501(10)(i) and (j). Bill Cohagen seconded. After further discussion, Cathy Lindstrom moved to revoke Respondent's license to practice respiratory care in Arizona. Becky Brimhall seconded. **The motion passed unanimously.**

XI PREVIOUS BOARD ACTION

Informal Interview Regarding Probation Compliance

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| 1 | Brock Fallert | Case Number 05025-07-2304 |
| 2 | Mitchell Hartin | Case Number C002259-08-7413 |
| 3 | April Grace | Case Number 02211-06-7781 |
| 4 | Keri Twitty | Case Number 07145-07-2254 |
| 5 | Sharon Summerford | Case Number 07582-07-2262 |
| 6 | Adrian Brown | Case Number C002174-08-7607 |

1. Brock Fallert, Case Number 05025-07-2304

Mr. Fallert was present. After review the Board found that Mr. Fallert was in compliance with his probationary order. After discussion Becky Brimhall moved to modify Mr. Fallert's probation. His probation was modified so he no longer was required to attend AA Meetings and that his probation would be lifted after all fees were paid. James Love Seconded. **The Motion Passed.**

2. Mitchell Hartin, Case Number C002259-08-7413

Mr. Hartin was present. The Board took no action.

3. April Grace, Case Number 02211-06-7781

Ms. Grace was Present. After review the Board found that Ms. Grace was out of compliance with her probationary order. After discussion Chair Toni Rodriguez moved that the Board order Ms. Grace to a 10 panel Hair follicle drug screen, and mouth swab drug screen within 7 days of the issuance of the order. Becky Brimhall Seconded. **The Motion Passed.**

4. Keri Twitty, Case Number 07145-07-2254

Ms. Twitty was present. After review the Board found that Ms. Twitty was in compliance with her probation. After discussion Catherine Lindstrom moved to accept the

steps Ms. Twitty had already taken as completion of probation and to lift her probation. Bill Cohagen seconded. **The Motion Passed.**

5. Sharon Summorford, Case Number 07582-07-2262

Ms. Summorford was present. After review the Board found that Ms. Summorford was in compliance with her probation. After discussion David Sanderson moved to lift Ms. Sharon Summorford's Probation. Becky Brimhall Seconded. **The Motion Passed.**

6. Adrian Brown, Case Number C002174-08-7607

Mr. Brown was present. The Board took no action.

XII CALL TO THE PUBLIC

There was no public presentation to the Board.

XII EXECUTIVE SESSION

There was no Executive Session

XIII ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Thursday, June 19, 2008 at 9:00 a.m.

XIV ADJOURNMENT

Chair Toni Rodriguez adjourned the meeting at 4:00 p.m., without objection

DATED this ____th day of June, 2008.

Mary Hauf Martin
Executive Director